

PINNOCK & WAKEFIELD, A.P.C.

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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

OUTERBRIDGE ACCESS ASSOCIATION,
 SUING ON BEHALF OF DIANE CROSS;
 and DIANE CROSS, An Individual,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC. d.b.a.
 THE HOME DEPOT #6679; MIRA MESA
 MARKETPLACE WEST, LLC; AND DOES 1
 THROUGH 10, Inclusive,

Defendants.

Case No.: 08cv0046 JM (JMA)

**PLAINTIFFS' MEMORANDUM OF
 POINTS AND AUTHORITIES IN
 OPPOSITION TO DEFENDANTS'
 MOTION TO DISMISS SUPPLEMENTAL
 STATE LAW CLAIMS**

Date: March 21, 2008
 Time: 1:30 P.M.
 Judge: Honorable Jeffrey Miller

**NO ORAL ARGUMENT UNLESS
 REQUESTED BY COURT**

Plaintiffs hereby oppose Defendants' Motion To Dismiss Supplemental State Law Claims on the ground that said Motion is moot. Plaintiff has filed with this Honorable Court a Motion To Amend Plaintiffs' Civil Complaint and has provided this Court

1 with a [Proposed] First Amended Complaint that serves to address
2 all issues outlined within Defendants' moving papers. Within the
3 [Proposed] First Amended Complaint all state claims are removed
4 and shall be litigated by Plaintiffs concurrently with this
5 action in the Superior Court for the County of San Diego.

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7 Respectfully submitted:

8 **PINNOCK & WAKEFIELD, A.P.C.**

9 Dated: March 5, 2008

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